MUR# 6318

RECEIVED FEDERAL ELECTION COMMISSION

2010 JUN 23 AM 10: 1,5

From: Joel Van Brunt, on behalf of Sean Bielat for Congress

250 Main St. Norton, MA 02166

OFFICE OF GENERAL COUNSEL

To: Office of General Counsel, Federal Election Commission 999 E Street, N.W., Washington, DC 20463

Subj: COMPLAINT REGARDING THE FEDERAL ELECTIONS COMMISSION FILINGS OF EARL HENRY SHOLLEY FROM THE 4TH DISTRICT OF MASSACHUSETTS

I, Joel Van Brust on behalf of Sean Bielat for Congress, respectfully request to file a complaint regarding the Federal Elections Commissions filings of candidate Earl Henry Sholley from the 4th District of Massachusetts for the 2008 and 2010 congressional election cycles, for the following reasons:

- 1. Lack of Detailed Expenditure Reports. The primary reason for this complaint is that the candidate has never filed itemized campaign expenditures in two consecutive congressional election cycles. During the 2009-2010 election cycle, Mr. Sholley has raised approximately \$42,000 and spent all but approximately \$3,000 of those funds.
- 2. Potential Misuse of Campaign Funds. Since he has filed no dethiled expentiture seports, it is unclear how Mr. Similey spant the funds; however:
 - a. During the period of his reports Mr. Shalley appeared to have very limited campaign expenses, e.g., he had no campaign office, virtually no campaign staff, limited if any mailers, etc. This information is based on observation, anecdotal evidence, and the statements of individuals who were previously involved in his campaign.
 - b. From January 1 to July 31, 2009, Mr. Sholley destand a total of only \$3,900 of incurse on his U.S. House of Representatives Financial Disclosure Statement. His declared no savings or income yielding assets. This small amount of income is not sufficient for 7 months of living expenses. There is no existing Financial Disclosure Statement for the rest of 2009.
 - c. Based on i.) these observations, ii.) the understanding that during the past several years Mr. Sholley's primary source of income has been paid petitioning (i.e., signature-collecting), and iii.) the fact that Mr. Sholley has run previously for state effice (multiple times) and federal office (2 times) before, it seems possible that Mr. Sholley has been using campaign funds for personal purposes in violation of federal election last.

3. Additional justifications for this complaint:

- a. Mr. Sholley's campaign continued to receive contributions and declare expanditume in the first two quantum of 2009 even though he did not provide an itemized list of compaign expanditumes.
- b. There is no record that Mr. Sholley responded to the FEC requests for additional information (Schedule A) from 11/25/08 to 12/31/08.
- c. There is no record that Mr. Sholley complied with FEC Request for Information Letters in the second quarter of 2009.

Summary and Requested Resolutions wir. Shoiley's failure to file detailed financial disclosures stands in stark contrast to the transparency in campaign finance expected of candidates for federal office. Additionally, if Mr. Shoiley used campaign finads for his personal purposes, this undermines the trust and spirit of good faith in which his donors made their contributions. This misuse would also provide him with advantage over other candidates in the rans who are, or were, unable to fund their own expenses during the same period and who as a result were unable to campaign full-time. Finally, this misuse of funds would be a serious violation of campaign finance law.

We believe that an <u>audited</u> set of expensituse reposite untital be sequired at a issue minimum. Hausener, if these audited reports cannot be produced, we believe that legal enforcement action or the withdrawal of Mr. Sholley's candidacy would be an appropriate response. In any case, the FEC's impatigation of this matter is appreciated.

Questions concerning this matter can be addressed to myself at or joel@seanbielat.org.

Respectfully Submitted,

Joel Van Brunt

Subscribed and sworn to before me this

Lidey of June 100 by

Resold Brings.

Notary Public

Exhibit A: Earl Sholley's only existing U.S. House of Representatives Financial Disclosure Statement which is dated January 1 to July 31st, 2009.

Other Sources: A brief examination of any of his quarterly reports will reveal the lack of itemized expenditures.

EXEMPTION—Have you excluded from because they meet all three texts for exercises.	TRUSTS — Details regarding "Qualified I need not be disclosed. Have you exclud page 8.)	EXCLUSION OF SPOUSE,	Each question in t	III. Did you, your apouse, or a dependent child have any reportable fishing from than \$10,000 during the reporting period? If yes, complete and attach Schedule III.	 Old you, your spouse, or a departdent critis receive "unesmed" income of more than \$200 in the reposing period or hold any reportable seed worth more than \$1,000 at the end of the period? If you, acceptate and attach Schoolule II. 	L. Did you or your spouse have "samed frooms (n.g., saletes or face) of \$200 or more horn any source in the reporting period? If yes, complete and attach Schedule L.	PRELIMINARY INFORMATION — A	Status Candidate for the House of Representation	Name: EAAL HE	FINANCIAL DISCLOSURE STATEMENT Period covered: January 1, 1207 - Tidy 31, 2209?
EXEMPTION—Have you excluded from this report any other assets, "unearned" income, transactions, or liabilities of a because they maet all three tests for exemption? Do not answer "yes" unless you have first consulted with the Committe Conduct.	TRIUSTS—Details regarding "Qualified Blind Trusts" approved by the Committee on Standards of Official Conduct and c need not be disclosed. Have you excluded from this report details of such a trust benefiting you, your spouse, or a depa page 8.)	EXCLUSION OF SPOUSE, DEPENDENT, OR TRUST INFORMATION — ANSWER EACH OF THESE QUESTIONS	Each question in this part must be answered and the appropriate schedule at	sporting period? Yes X No	d receive "unestreed" rived on hold any or to to the period? Yes Mo No	reporting period? Yes No	PRELIMINARY INFORMATION — ANSWER EACH OF THESE QUESTIONS	Subscience 1977 Date of Elector: 1977 Elector: Elector: 1977 Elector: 19	EARL HENRY SHOLLEY Daytime Telephone: (50%) 198334	TATEMENT TATEMENT 1- Truly 3/ 2209
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SCHEDULE I—EARNED INCOME (INCLUDING HONORARIA)

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SCHEDULE V—AGREEMENTS

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SCHEDULE VI—COMPENSATION IN EXCESS OF \$5,000 PAID BY ONE SOURCE

Report sources of such compensation received by you or your business affiliation for services provided directly by you during the two prior years. This includes the nem of clients and customers of any corporation, firm, partnership, or other business enterprise, or any nonprofit organization if you directly provided the services general a fee or payment of more than \$5,000. Exclude: Phyments by the U.S. Government and any information considered confidential as a result of a privileged relational

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